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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/632,017	07/31/2003	Olaf Abels	71084	9343
23872	7590	03/24/2006		
MCGLEW & TUTTLE, PC P.O. BOX 9227 SCARBOROUGH STATION SCARBOROUGH, NY 10510-9227			EXAMINER GARCIA, ERNESTO	
			ART UNIT	PAPER NUMBER
			3679	

DATE MAILED: 03/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

**Advisory Action  
Before the Filing of an Appeal Brief**

Application No.

10/632,017

Applicant(s)

ABELS ET AL.

Examiner

Ernesto Garcia

Art Unit

3679

**--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

THE REPLY FILED 07 March 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.  
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**NOTICE OF APPEAL**

2. ☐ The Notice of Appeal was filed on \_\_\_\_\_. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

**AMENDMENTS**

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because  
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);  
(b) ☐ They raise the issue of new matter (see NOTE below);  
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or  
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: \_\_\_\_\_. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).  
5. ☐ Applicant's reply has overcome the following rejection(s): \_\_\_\_\_.  
6. ☐ Newly proposed or amended claim(s) \_\_\_\_\_ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).  
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.  
The status of the claim(s) is (or will be) as follows:  
Claim(s) allowed: \_\_\_\_\_.  
Claim(s) objected to: \_\_\_\_\_.  
Claim(s) rejected: 1,5,9,10,12,14,17,20,23 and 28-31.  
Claim(s) withdrawn from consideration: 2-4,6-8,11,13,16,18,19,21 and 22.

**AFFIDAVIT OR OTHER EVIDENCE**

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

**REQUEST FOR RECONSIDERATION/OTHER**

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:  
See Continuation Sheet.  
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). \_\_\_\_\_.  
13. ☒ Other: The drawings filed on 3/7/2006 are acceptable.



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Continuation of 11. does NOT place the application in condition for allowance because: With respect to the IDS, the examiner has considered the references. In this regard, it should be noted that consideration by the examiner means nothing more than considering the documents in the same manner as other documents in Office search files are considered while conducting a search of the prior art. See MPEP 609. Further, unless these references were listed on the PTO-892 or a PTO-1449 in the instant continuing application, they will not be printed on any patent that may result. See MPEP 609.02 regarding handling of information disclosure statements filed in parent applications of continuations.

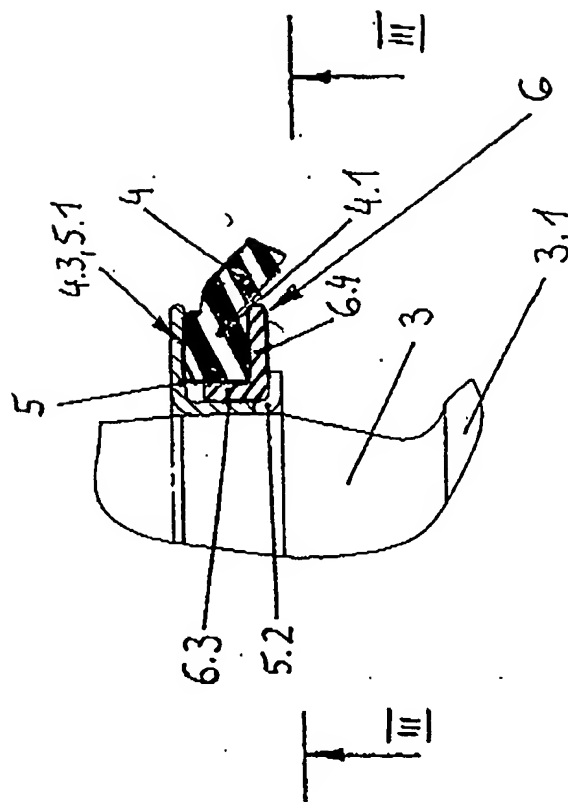
With regards to applicants' argument against Yao, applicant has argued that Yao's sealing bellows cannot slide in the ball race since the sealing bellows is touching at least three sides of what is equivalent to the ball race. The examiner is not persuaded since touching does not mean is bonded or welded to the ball race. In fact, there is no evidence that the sealing bellows in Yao is bonded to the ball race or that the sealing bellows is precluded from sliding. Applicants should note that touching surfaces that are not bonded allow sliding. There is no evidence in Yao that the sealing bellows is not able to slide. Applicants further argue that similarly the sliding ring embedded in the sealing bellows also cannot slide in the ball race either. In response, applicants should note that since the sliding ring is embedded in the sealing bellows and the sealing bellows is able to slide as argued by the examiner, sliding of the sealing bellows inherently allows the ring to slide relative to the ball race. Since the ring is in the ball race, once the sealing bellows rotates, the ring will slide together with the sealing bellows. Applicants further argue that Yao '317 also do not suggest lugs. In response, applicants need to review the rejection as the examiner has pointed out the lugs in respect to Yao.

With respect to Amrath '159 applicants argue that the segments 12 extend inwardly. In response, applicants should note that the argument is not commensurate with the scope of claims 1 and 28. Applicants should note that the claims do not recite "the lugs extending inwardly". Applicants further argue that Amrath also do not teach the holding ring 8 is a sliding ring and is able to slide relative to the ball race. In response, applicants have not shown or discussed why the ring 8 does not constitute a sliding ring. Nothing in Amrath suggests that the ring is bonded to the ball race and thus prevented from rotating. Further, there is no indication in Amrath that the ring is press fitted to the ball race such that there is no rotation. Applicants argue Amrath fails to disclose the holding ring 8 having an L-shaped cross-sectional ring. In response, applicant should note that this argument is not commensurate with the scope of claims 1 and 28. Claims 1 and 28 do not recite the cross-section of the ring. Applicant further argue that Amrath fails to disclose "a radial leg of the holding ring arranged between the bellows 4 and the disk 7 in the axial direction". In response, nothing in the language of claims 1 and 28 requires this particular feature and thus Amrath does not need to show this feature.

With respect to claims 30 and 31, Yao '317 in view of Gardner '037 suggests the invention obvious. One skilled in the art, at the time the invention was made, will find a radial leg of a sliding ring in sliding contact with an inner surface of the ball race.

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Fig. 1

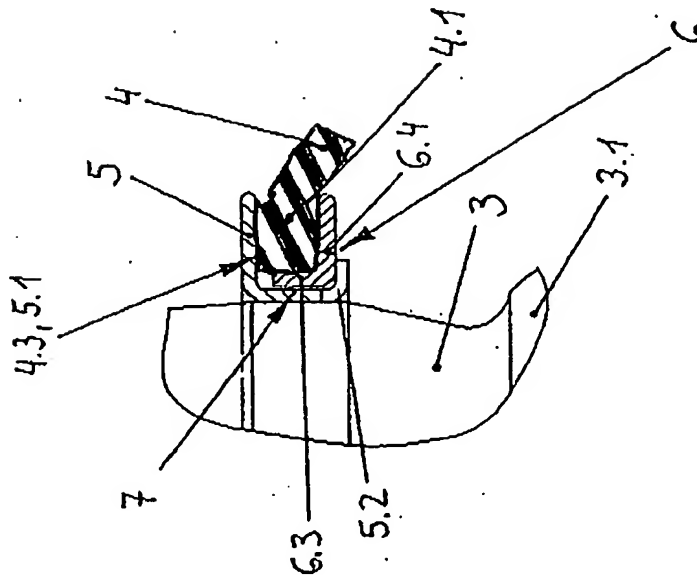


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Fig. 2

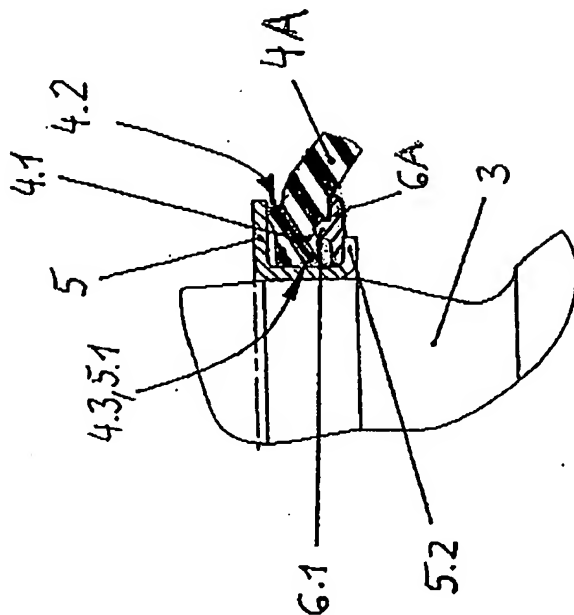


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Fig. 5

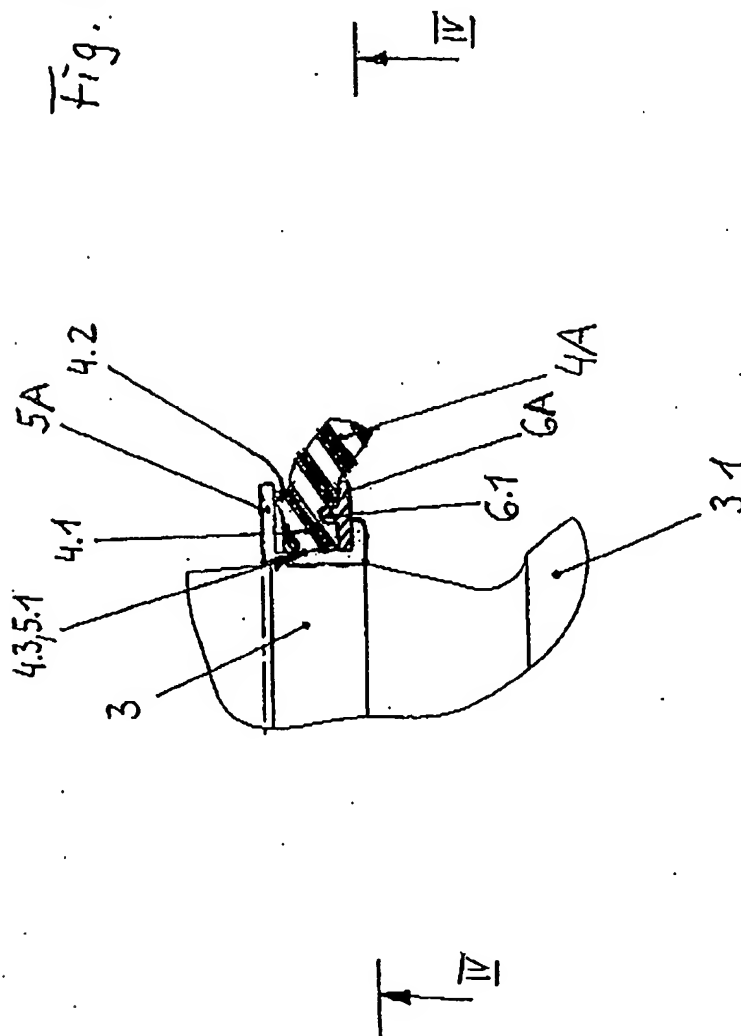


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Fig. 6

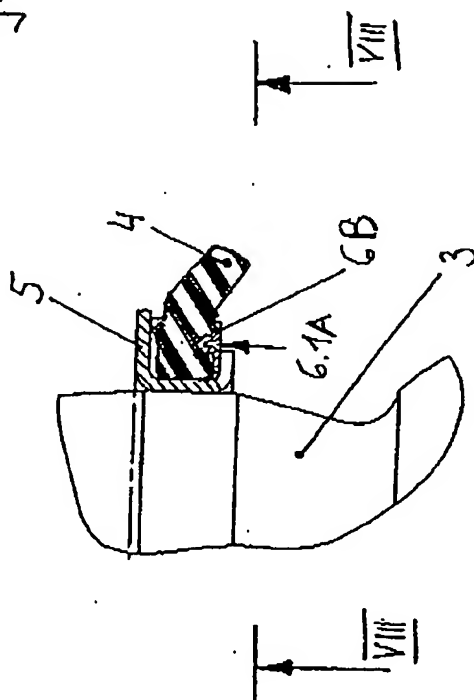


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Fig. 7



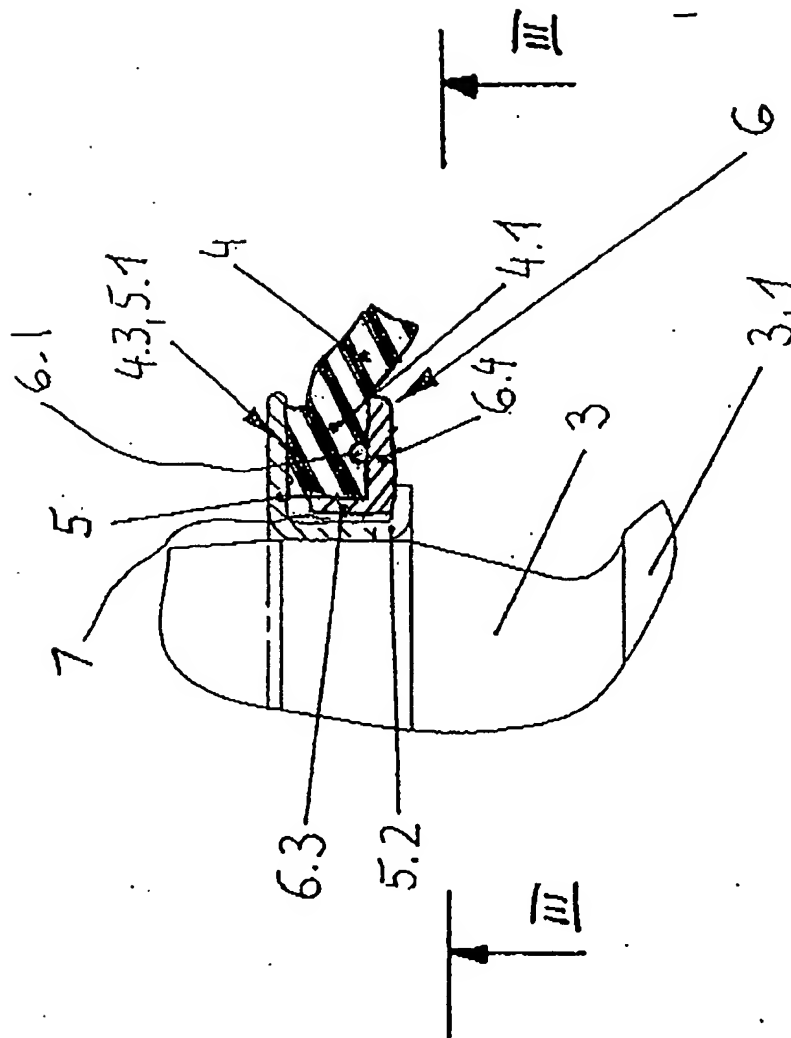
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Fig. 9



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